

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSHUA JAMES CHAPPA,

Defendant.

CR 20-05-BU-DLC

ORDER

United States Magistrate Judge Kathleen L. DeSoto entered her Findings and Recommendation Concerning Plea on August 4, 2020. (Doc. 27.) As neither party objected, they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto recommends that the Court accept Joshua James Chappa’s guilty plea after Chappa appeared before her pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of conversion of secured

property, in violation of 18 U.S.C. § 658 (Count I), and one count of wire fraud, in violation of 18 U.S.C. § 1343 (Count VIII).

Finding no clear error, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 27) IN FULL. As is the Court's practice, it will defer dismissing Counts II–VII and IX–XII of the Indictment until the sentencing hearing and on motion of the United States.

IT IS FURTHER ORDERED that Joshua James Chappa's motion to change plea (Doc. 20) is GRANTED, and Joshua James Chappa is adjudged guilty as charged in Counts I and VIII of the Indictment.

DATED this 5th day of February, 2021.



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Dana L. Christensen, District Judge  
United States District Court